

Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 52 December 29, 1994 Pages 1981-2012

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Interim Committee Schedule

The following committee meetings have been scheduled during the period of January 2 through January 8:

Date	Room	Time	Committee	Agenda
January 3	531-N	10:00 a.m.	Joint Committee on State	Agenda not available.
January 4	531-N	9:00 a.m.	Building Construction	

Emil Lutz Director of Legislative Administrative Services

Doc. No. 015759

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1993 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 1-2-95 through 1-8-95

Term	Rate	
0-90 days	5.78%	ż
3 months	5.56%	
6 months	6.47%	
9 months	7.06%	4
12 months	7.29%	
18 months	7.58%	٠.
24 months	7.68%	
36 months	7.81%	
48 months	7.86%	
	Sally Thompso	n
	State Treasure	

Doc. No. 015761

State of Kansas

Attorney General

Opinion No. 94-165

Courts—Nonpartisan Selection of Judges of the District Court—Non-Lawyer Members of District Judicial Nominating Commission; Prohibition Concerning Holding an Office or Official Position in a Political Party. Carol Green, Clerk of the Kansas Appellate Court, Topeka, December 15, 1994.

A precinct committee person for a political party is a person who holds an office or official position in a political party, and, therefore, may not serve as a member of a district judicial nominating commission. Cited herein: K.S.A. 1993 Supp. 20-2906; K.S.A. 25-3801; 25-3807; 25-3902; 25-3902a; Kan. Const., art. 3, §§ 5 and 6. MF

Robert T. Stephen Attorney General

Doc. No. 015763

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Kansas Department of Transportation

Notice to Contractors

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 2 p.m. January 18 and then publicly opened:

District One-Northeast

Atchison—3 U-1369-01 - Fifth Street over the Atchison, Topeka and Santa Fe Railroad in Atchison, 0.1 mile, bridge rehabilitation. (Federal Funds)

Brown—7 C-3165-01 - County road, 3 miles north and 1 mile west of Hiawatha, 0.3 mile, grading and bridge. (Federal Funds)

Johnson—435-46 K-3637-01 - I-435, from U.S. 169 (Metcalf Avenue) east to the Kansas-Missouri state line, 2.9 miles, pavement reconstruction. (Federal Funds)

Johnson—46 N-0043-01 - Intersection of Mission Road and 89th Street in Leawood, 0.2 mile, grading and surfacing. (Federal Funds)

Johnson—46 N-0052-01 - Intersection of 110th Street and Nall Avenue in Overland Park, traffic signal. (Federal Funds)

Johnson—46 N-0058-01 - 119th Street from Roe Avenue to Mission Road in Leawood, surfacing. (Federal Funds)

Riley—24-81 U-1516-01 - U.S. 24/K-13/K-177 and Casement Road in Manhattan, intersection improvement. (Federal Funds)

Shawnee—470-89 K-5649-01 - I-470, from Burlingame Road, east to the Kansas Turnpike Authority toll booth, 1.1 miles, patch and overlay. (State Funds)

Various Counties—106 X-1908-01 - Atchison, Topeka and Santa Fe Railroad from the Harvey-Marion county line east to Holliday Road in Johnson County, signing. (Federal Funds)

District Two-Northcentral

Jewell—112-45 K-5533-01 - K-112, two culverts, approximately 1.7 and 2.1 miles north of the U.S. 36/K-112 junction, culvert replacement. (State Funds)

Mitchell—24-62 K-4360-01 - U.S. 24, Plum Creek bridge 17, 4.3 miles east and southeast of K-14, bridge replacement. (State Funds)

District Three—Northwest

Rooks—183-82 K-3763-02 - Beginning at the junction of K-18 and county route 583, then north on county road 583 to K-258, then north on K-258 to the junction of U.S. 24 and K-258, 13.4 miles, bituminous overlay. (State Funds)

District Four-Southeast

Cherokee—66-11 K-4351-01 - U.S. 66, 0.9 mile east of the junction of U.S. 69A, east to the west city limits of Galena (north bound lane), 2.1 miles, pavement reconstruction. (State Funds)

Coffey—57-16 K-4617-01 - K-57, 3rd Street to Railroad Street in Gridley, 0.3 mile, pavement reconstruction. (State Funds)

District Five—Southcentral

Pawnee—19 Spur-73 K-4687-01 - K-19 Spur, Arkansas River bridge 23 and Pawnee River bridge 24 in Larned, bridge replacements. (Federal Funds)

Sedgwick—2-87 K-4326-02 - K-2, (119th Street,) northeast to southwest of Ridge Road, 3.1 miles, grading and bridge. (State Funds)

Sedgwick—87 N-0024-01 - Broadway Street at the Arkansas River in Wichita, 0.2 mile, grading, bridge, and surfacing. (Federal Funds)

Sedgwick—87 N-0024-02 - Broadway Street at the Arkansas River in Wichita, 0.2 mile, bridge rehabilitation. (Federal Funds)

Sedgwick— 87 N-0027-01 - 11th Street over the Little Arkansas River in Wichita, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Various Counties—106 X-1907-01 - Atchison, Topeka and Santa Fe Railroad from just west of the Hamilton-Kearny county line just east to the Harvey-Marion county line, signing. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap, or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project(s) may be examined at the offices of the respective county clerks or at the Kansas Department of Transportation district offices responsible for the work.

Michael L. Johnston Secretary of Transportation

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 94-38

Written December 14, 1994, to Ken W. Strobel, City Attorney, City of Dodge City.

This opinion is in response to your letter of November 28, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local conflict of interests law (K.S.A. 75-4301 et seq.).

Factual Statement

We understand you request this opinion in your capacity as the City Attorney for Dodge City, Kansas, on behalf of Mr. Greg Starks. You advise us that Mr. Starks is a local real estate agent, and president of his own real estate agency. Mr. Starks also serves as a City appointee on the Dodge City/Ford County Joint Planning Commission and acts as Chairperson of the Joint Board of Zoning Appeals. Mr. Starks receives no compensation for either position and has served in those positions for several years.

You also advise us that, on occasion, the Planning Commission and/or Board of Zoning Appeals gives consideration to matters involving clients of Mr. Starks' real estate agency. On some occasions clients are represented before the Planning Commission and/or Board of Zoning Appeals by a representative of Mr. Starks' agency, or Mr. Starks himself. Mr. Starks and/or his real estate agency are paid by the client for presentations made before the Planning Commission and/or Board of Zoning Appeals. The amount of compensation paid to Mr. Starks or his agency is not contingent upon the results of such hearings or upon the final action taken. Mr. Stark's fee or that of his agency for such appearances and representation before the Planning Commission and/or Board of Zoning Appeals seldom, if ever, exceeds \$2,000.00.

As City Attorney, you have been asked to clarify what Mr. Starks should do to comply with the local conflict of interest statutes when the following situations arise:

- (1) The Planning Commission or Board of Zoning Appeals is considering a matter involving a present client of Mr. Starks or his agency, but the client is not represented at the hearing by Mr. Starks or a member of his agency;
- (2) The Planning Commission or Board of Zoning Appeals is considering a matter involving a present client of Mr. Starks' agency where the client is represented at the hearing by a member of Mr. Starks' agency;
- (3) The Planning Commission or Board of Zoning Appeals is considering a matter involving a present client of Mr. Starks and Mr. Starks desires to appear and represent the client at such a hearing.

With regard to the above situations, you have advised Mr. Starks that when such a matter comes before the Planning Commission or Board of Zoning Appeals he should publicly announce a conflict of interests, and thereafter abstain from discussion or vote on the issue.

Further, you have advised Mr. Starks that after announcing his conflict, he may appear on behalf of the client, so long as he abstains from the Planning Commission or Board of Zoning Appeals' decision and vote.

After again reviewing the statutes, it appears that even in the above situations, Mr. Starks could participate and vote as a member of the Planning Commission or Board of Zoning Appeals so long as he has complied with the provisions of K.S.A. 75-4305 pertaining to the filing of a written disclosure of substantial interests.

Ouestion

In the above factual situations, if Mr. Starks files the disclosure statement required by K.S.A. 75-4305, may he participate in his capacity as a member of the Planning Commission or the Board of Zoning Appeals?

Opinior

Two sections of the local conflict of interests law must be reviewed to answer your question.

K.S.A. 75-4304 states:

- "(a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.
- (b) No person or business shall enter into any contract where any local governmental officer or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.
- (c) A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.
- (d) This section shall not apply to the following: (1) Contracts let after competitive bidding has been advertised for by published notice; and (2) contracts for property or services for which the price or rate is fixed by law.
- (e) Any local governmental officer or employee who is convicted of violating this section shall forfeit the office or employment."

K.S.A. 75-4305 states:

- "(a) Any local governmental officer or employee who has not filed a disclosure of substantial interests shall, before acting upon any matter which will affect any business in which the officer or employee has a substantial interest, file a written report of the nature of the interest with the county election officer of the county in which is located all or the largest geographical part of the officer's or employee's governmental subdivision.
- (b) A local governmental officer or employee does not pass or act upon any matter if the officer or employee abstains from any action in regard to the matter."

The absolute abstention requirement of K.S.A. 75-4304 is triggered only in contractual situations. This Com-

mission has consistently held that the section does not generally cover legislative decisions or administrative decisions such as those made by Planning Commissions and Board of Zoning Appeals. Thus, K.S.A. 75-4305 is the section that usually applies to all the situations you describe. Under that section as you have correctly noted, so long as the disclosure statement is been filed with the County Election Officer, the local official may participate in the decisions you have described.

In closing, we note that your former advice to abstain in the situations described, while not legally required, is sound in efforts to avoid the appearance of impropriety.

Advisory Opinion No. 94-39

Written December 14, 1994, to Tom C. Hitchcock, Executive Secretary, Kansas State Board of Pharmacy.

This opinion is in response to your letter of November 30, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interests law (K.S.A. 46-215 et seq.).

Factual Statement

We understand you request this opinion in your capacity as Executive Secretary of the Kansas State Board of Pharmacy. You advise us that a current member of the Board has applied for a position with the Board as a pharmacy inspector. The person hired for the position will begin employment on or about January 18, 1995. The Board member's tenure does not expire until April 30, 1995.

Questions

- (1) Would the Board member have to resign from the Board in order to apply for the Pharmacy Inspector position?
- (2) Would the Board member have to resign from the Board *if hired* for the Pharmacy Inspector position?
- (3) Could the Board member participate (as a Board member) in decisions made regarding sanctioning of pharmacies or pharmacists after he has applied and is being considered as a candidate for the Pharmacy Inspector position?
- (4) Could the Board member participate (as a Board member) in decisions made regarding sanctioning of pharmacies or pharmacists if he is hired to fill the Pharmacy Inspector position?
- (5) Could the vacant Board member position be left open until the expiration of the current term of April 30, 1995, (since the Board would have a quorum with its five remaining Board members) or would a new Board member need to be appointed to serve the remainder of the term?

Opinion

We have reviewed K.S.A. 46-215 et seq. in its entirety and find no provisions covering the specific issue raised in your first and second questions. Thus, that law does not require resignation in either scenario. We would advise, however, that it would be inappropriate for the board member to participate as a board member in the hiring process for the position being sought. We also note that there is common law doctrine concerning in-

compatibility of public offices which is outside our jurisdiction. On that issue we refer you to the Attorney General.

We have also reviewed K.S.A. 46-215 et seq. concerning your third and fourth questions. Nothing in that law applies. Thus, the board member could, under the conflicts law, participate in decisions regarding sanctions as a board member even after becoming the investigator. We caution you, however, that other administrative law may well alter this outcome. Again, we refer you to the Attorney General.

The last question is simply not covered by K.S.A. 46-215 et seq. We refer you to the statute which establishes the Board, as the starting place for the answer to this questions.

Advisory Opinion No. 94-40

Written on December 14, 1994, to Rodney J. Bieker, Lawrence.

This opinion is in response to your letter of November 7, 1994, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interests law (K.S.A. 46-215 et seq.).

Factual Statement

We understand you request this opinion in your capacity as General Counsel for the Kansas State Department of Education. You advise us that you have established a not for profit corporation, The Julius and Shirley Bieker Public Education Assistance Corporation. You indicate that there are two projects currently planned by the corporation. The first relates to a program in the Wichita School District for a pilot project called the "Ed= ison Plan" by which privatization of local schools is accomplished while maintaining local school board control. The corporation contemplates giving a gift to the Wichita School District to assist in funding the project. The second project concerns the community college out of district dilemma for counties; specifically, if a resident of a county goes to a community college in a different county, the county of residence is required to pay the out of county college. The corporation contemplates a gift to the state to reduce the budgeting difficulties for counties without community colleges.

You also advise us that no portion of the contributions to the corporation will be used for the benefit of any member of the board of directors and they will serve without compensation.

You have applied for and have received a charitable solicitation contribution license pursuant to K.S.A. 17-1759 et seq. You also advise us that you intend to solicit contributions to the corporation from individuals and entities with which you have contact as a result of your state duties.

Question

Does K.S.A. 46-236 permit you to solicit contributions for the Julius and Shirley Bieker Public Education Assistance Corporation from individuals and entities which have a special interest in your duties as a state officer or employee?

(continued)

Opinion

K.S.A. 46-236 states:

"No state officer or employee or candidate for state office shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee or candidate knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee or candidate.

Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to (1) any contribution reported in compliance with the campaign finance act; (2) a commercially reasonable loan or other commercial transaction in the ordinary course of business; or (3) any solicitation for the benefit of any charitable organization which is required to file a registration statement with the secretary of state pursuant to K.S.A. 17-1740 or which is exempted from filing such statement pursuant to K.S.A. 17-1741 or for the benefit of any educational institution or such institution's endowment association, if such association has qualified as a nonprofit organization under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1954, as amended."

In applying exception (3), we note that K.S.A. 17-1740 and 17-1741 were repealed. In KCGSC Opinion No. 94-15, we held that those repeals did not by implication repeal this exception, rather we treat those citations as surplusage. Thus, in applying this exception to your situation, the question is whether the corporation is a "charitable organization."

While the conflict of interests law does not define "charitable organization," K.S.A. 17-1759 et seq., which replaced K.S.A. 17-1740 and 17-1741 when these sections were repealed, does define the term as follows:

K.S.A. 17-1760(a) states:

"'Charitable organization' means any person who engages in the activity of soliciting funds or donations for, or purported to be for, any fraternal, benevolent, social, educational, alumni, historical, humane, public health or other charitable purpose. Charitable organization does not include political parties, political candidates or committees formed in support of political candidates or political parties."

K.S.A. 17-1760(b) states:

"'charitable purpose' means any purpose which promotes, or purports to promote, directly or indirectly, the well-being of the public at large or any number of persons, or any humane purpose, whether such well-being is in general or limited to certain activities, endeavors or projects."

For a review of these sections, we are satisfied that an educational purpose should be included within the definition of "charitable organization" such that the exception in K.S.A. 46-236(3) applies to the situation you describe. You may, therefore, make the solicitations you contemplate so long as they are not conditioned on a particular course of official action by you.

In closing, we do not believe the Legislature intended this broad an exception to the no solicitation rule. This situation allows for an inappropriate opportunity for a state officer or employee to pressure citizens who have special interests in front of the officer or employee. We intend to bring this matter to the attention of the Legislature and will recommend a legislative change to prohibit the situation you describe.

> Richard C. Loux Chairman

Doc. No. 015748

State of Kansas

City of Wichita Human Services Department

Request for Proposals for Academic Enrichment Training

The Job Training Partnership Act (JTPA) provides federal funds to states to establish programs to prepare youths and adults for entry into the labor force. Under JTPA, each state is divided into service delivery areas (SDA). Within each SDA, private and public sector representatives are appointed to a Private Industry Council (PIC), which is responsible for policy, program development and oversight of programs operated within the SDA. The SDA IV PIC has selected the city of Wichita to be the grant recipient and program administrator for SDA IV.

Scope of Work: In anticipation of program operations for the summer of 1995, the PIC and the city of Wichita are seeking agents qualified to provide academic enrichment training (reading and/or mathematics instruction and/or ESL training) combined with work experience for youth (age 14-21) to be operated in coordination with the JTPA Summer Youth Employment and Training Program. Proposals may be submitted for all or any portion of the six county SDA IV, which is comprised of Butler, Kingman, Sumner, Harper, Sedgwick, and Cowley counties. There is particular interest in receiving proposals that serve youth living outside the city limits of Wichita in or near their communities, and funds have been separately budgeted for that purpose. Proposals to serve as few as five youths will be accepted.

Instruction for Submittal: All instructions are in the Request for Proposal packet, which may be requested from 8 a.m. to 5 p.m., Monday-Friday, by contacting Mike Reichenberger, Planning and Administration Director, Human Services Department; 2nd Floor, City Hall, 455 N. Main, Wichita 67202, (316) 268-4691.

Packets will be mailed to requesters starting January 5.

Proposal Due Dates: The first due date is a mandatory technical assistance meeting during the week of January 16 (RFP packet requesters will be notified of the meeting date, time, and place). Final proposals are due at noon March 17 at the address above.

Mike Reichenberger Director

Health Care Data Governing Board

Notice of Meeting

The Health Care Data Governing Board will meet from 11:30 a.m. to 1:30 p.m. Wednesday, January 4, at the Kansas Medical Society, 623 S.W. 10th, Topeka. The meeting is open to the public. Any person requiring visual or communication aid or assistance, building assess assistance or other similar assistance should contact Dr. Lou Saadi at (913) 296-5639.

> Robert C. Harder Secretary of Health and Environment

Doc. No. 015755

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Public Notice No. KS-AG-94-108

Name and Address of Applicant David Parks R.R. 1

Legal Description SE/4, Sec. 33, T15S,

Receiving Water

R13E, Lyon County River Basin

Marais de Cygnes

Reading, KS 66868

Kansas Permit No. A-MCLY-S007

The proposed facility will have capacity for approximately 300 swine. Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum require-

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas of application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Dewatering equipment shall be obtained within four months after this facility becomes active through purchase, rental or custom application agreement. It shall be capable of pumping and dispersing the liquids and solids as outlined in this permit. Written verification of the acquisition of the equipment shall be submitted to the de-

Public Notice No. KS-94-75/79

Name and Address Type of of Applicant Waterway Discharge Cessna Aircraft Company Arkansas River via Contaminated groundwater Easton Site-Hutchinson, Earthen Canal discharge is % P.O. Box 7704 treated in air Wichita, KS 67277 strippers prior to discharge

Reno County, Kansas

Kansas Permit No. I-AR49-P009

Fed. Permit No. KS-0088412

Description of Facility: This facility is engaged in a groundwater cleanup from recovery wells numbers RW1, RW2 and RW3. Treatment consists of counterflow air stripping to remove volatile organic chemicals (VOC'S). A mineral deposit antifoulant chemical is added to the groundwater prior to treatment. The air stripper discharge pipe is directed to an earthen canal leading to the Arkansas River via Cow Creek. This is a modified permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, KAR 28-16-28(B-F), and Federal Surface Water Quality.

Waterway

Name and Address of Applicant City of Colwich New Plant

Arkansas River via Cowskin Creek P.O. Box 158 Colwich, KS 67030

Type of Discharge Secondary wastewater treatment facility

Sedgwick County, Kansas

Kansas Permit No. M-AR24-0002

Fed. Permit No. KS-0090956

Description of Facility: This facility is designed for the treatment of domestic sewage. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, KAR 28-16-28 (B-F) and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant Heartland Cement Company East of City P.O. Box 428 Independence, KS 67301

Waterway Verdigris River via Rock Creek

Type of Discharge 001-Cooling water filter backwash water, boiler blowdown, lime treatment sludge, zeolite blowdown, 002stormwater from active quarry

Montgomery County, Kansas

Kansas Permit No. I-VE23-P001

Fed. Permit No. KS-0001210

Description of Facility: The facility manufactures Portland Cement. Wastewater and Stormwater discharges are directed to a 3-cell lagoon. The final cell discharges to Rock Creek through outfall 001. In addition, there is stormwater runoff to Rock Creek from an active quarry operation. This permit is being re-public noticed due to permit change to resolve objections. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, KAR 28-16-28(B-F), and Federal Surface Water Criteria.

Big Blue River

Name and Address of Applicant Super 8 Motel-Marysville

% Farmer Dream, Inc. Attn: Lynn Bruna, President

1351 3rd Street Marysville, KS 66508 Marshall County, Kansas

Kansas Permit No. C-BB13-0001

Type of Waterway Discharge Unnamed Secondary Tributary To wastewater Spring Creek to treatment facility

> Fed. Permit No. KS-0091022 (continued)

Description of Facility: This facility is designed for the treatment of domestic sewage. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(B-F), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant City of Whiting % City Clerk City Hall Whiting, KS 66552

Jackson County, Kansas

Kansas Permit No. M-KS81-0001

Waterway
Kansas River via
Delaware River via
unnamed tributary

Type of Discharge Secondary wastewater treatment facility

Fed. Permit No. KS-0083372

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, KAR 28-16-28(B-F), and Federal Surface Water Criteria, and are technology based.

Public Notice No. KS-EG-94-29

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for a proposed Class I Non-Hazardous Waste Injection Well for the applicant described below.

Name and Address of Applicant Mid-American Pipeline Company Well Identification #2-Conway % RR 2, Box 174

McPherson, KS 67460

Well Location SWNESW 24-19-5W McPherson County, KS 1820' FSL and 3630' FEL of SE corner

Kansas Permit No. KS-01-113-007

Description of Facility: The station is an underground storage facility for liquid petroleum gas products.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before January 27 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-94-108, KS-94-75/79, KS-EG-94-29) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices which are located at Building #283, Forbes Field, Topeka, from 8 a.m.

to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Robert C. Harder Secretary of Health and Environment

Doc. No. 015758

State of Kansas

Department of Health and Environment

Notice of Proposed Permit Action

The Secretary of the Kansas Department of Health and Environment (KDHE) is proposing to issue an air emission construction permit in accordance with K.A.R. 28-19-14, permits required, to Westana Gathering Company to install and operate two natural gas compressors and a glycol dehydrator at Section 36, T34S, R12W, Barber County, Kansas.

Written materials, including this permit application and information relating to the application submitted by Westona Gathering Company, draft permit, permit summary, and analysis by KDHE describing the basis for the proposed permit are available for public inspection during normal business hours through January 30 by contacting Wayne Neese, Air Quality Representative, KDHE Southwest District office, Dodge City, at (316) 225-0596. This material can also be reviewed at the KDHE office in Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Mindy DeLisle of KDHE/Bureau of Air and Radiation at (913) 296-3414.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted. The place, date, and time of the hearing will be announced in this publication.

A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before January 30.

Robert C. Harder Secretary of Health and Environment

University of Kansas Medical Center

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS, until 2 p.m., on the date indicated, and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information:

Wednesday, January 11, 1995

725213 Vacuum regulators

> Barbara Lockhart Purchasing Director

Doc. No. 015762

State of Kansas

Department of Health and Environment

Request for Public Comment

Contingent on grant application approval from the Office of Special Education, funding for Year VIII under Title I of Public Law 102-119 will be awarded to Kansas for the continued development and implementation of a coordinated, comprehensive, multidisciplinary, interagency service system for infants and toddlers with disabilities or developmental delays and their families. These funds are for Federal Fiscal Year 1994.

Complete copies of the draft grant application are available for review in public libraries in Colby (Pioneer Memorial), Concordia (Frank Carlson), Dodge City, Emporia, Garden City, Great Bend, Hays, Hiawatha, Hutchinson, Kansas City-KS (main library), Lawrence, Leavenworth, Manhattan, Parsons, Salina, Topeka, Wichita (central library), and are also available upon request. Written comments from the public will be accepted through February 17, 1995.

Interactive television will be utilized for public meetings to obtain comments on this draft grant application from 11 a.m. - 1 p.m. Friday, February 17, at the following locations: Kansas State Board of Education, ITV/Board Room, 120 S.E. 10th Ave., Topeka; Northwest Area Health Education Center, 217 E. 32nd, Hays; and Media Resources Center, Wichita State University, Room 158A, Wichita (please call for directions, 316-689-3575).

The contact person for submitting comments or obtaining further information is Marnie Campbell, Infant-Toddler Service Coordinator, Kansas Department of Health and Environment, Landon State Office Building, 10th Floor, 900 S.W. Jackson, Topeka, 66612-1290; (913) 296-6135 or (800) 332-6262 (V/TT).

Robert C. Harder Secretary of Health and Environment

Doc. No. 015760

State of Kansas

Legislative Division of Post Audit

Invitations for Bids

Sealed bid proposals in response to Legislative Division of Post Audit invitations for bids on audit work will be received until 2 p.m. Friday, January 6. The invitations cover the following audit work:

State Government of Kansas Insurance Department

Sealed bid proposals in response to Legislative Division of Post Audit invitations for bids on audit work will be received until 2 p.m. Friday, January 20. The invitations cover the following audit work:

Racing Commission

Kansas Lottery

Kansas Public Employees Retirement System

Copies of the invitation for bids may be obtained from the Legislative Division of Post Audit, 1200 Merchants Bank Tower, 8th and Jackson, Topeka 66612, (913) 296-3792.

> Barbara J. Hinton Legislative Post Auditor

Doc. No. 015750

(Published in the Kansas Register December 29, 1994.)

Summary Notice of Bond Sale \$4,800,000 Unified School District No. 457, Finney County, Kansas (Garden City) General Obligation Bonds

(General obligation bonds payable from unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the complete Official Notice of Bond Sale, dated as of December 29, 1994, of Unified School District No. 457, Finney County, Kansas (Garden City) (the school district), sealed, written bids shall be received at the school district's offices at 1205 Fleming Street in Garden City, Kansas, until noon, on Tuesday, January 17, 1995, for the purchase of the school district's General Obligation Bonds, Series 1995 (the bonds), which are hereinafter described. All bids shall be publicly opened, read aloud and considered on said date and at said time and shall be immediately thereafter acted upon by the board of education of the school district. No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form which has been prepared for these bonds, which may be obtained from the clerk of the school district or from the school district's financial advisor. Bids may be submitted by mail of may be delivered in person, and must be received at the place and no later than the date and time hereinbefore specified. (Provisions for telephoning or telefaxing a bid are set forth in the official notice of

(continued)

bond sale.) Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the school district, or in the form of a Financial Surety Bond payable to the order of the school district and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to two percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$4,800,000. The bonds shall be issued as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount of the bonds maturing in any year. The bonds shall bear a dated date of January 1, 1995. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds shall be subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable seminannually on April 1 and October 1 of each year, commencing April 1, 1996, and the bonds shall mature serially on October 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$140,000	1996
410,000	1997
430,000	1998
455,000	1999
485,000	2000
510,000	2001
540,000	2002
575,000	2003
610,000	2004
645,000	2005

Payment of Principal and Interest

The Treasurer of the State of Kansas shall serve as the Bond Registrar and Paying Agent for the bonds, and the principal of the bonds shall be paid upon surrender at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon constitute general obligations of the school district, and the full faith, credit and resources of the school district will be pledged to the payment thereof. The school district will be obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the school district for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the school district to the successful bidder, or at its direction, on or before Tuesday, January 31, 1995, at such location

in the State of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the school district. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and will be delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The school district's equalized assessed tangible valuation for computation of bonded debt limitations is \$202,515,461. Including the bonds described herein, on January 1, 1995, the school district's outstanding bonded indebtedness will be in the amount of \$22,315,000.

Official Statement

The school district has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the school district or the school district's financial advisor. The preliminary official statement is in a form deemed final by the school district for the purpose of the Securities and Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the school district shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered by the successful bidder at its expense.

Additional Information

For additional information regarding the school district, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and the school district's preliminary official statement and official bid form for the bonds, all of which may be obtained from the undersigned, or from the school district's financial advisor by contacting Steve Shogren or John Haas, Ranson Capital Corporation, 120 S. Market, Suite 450, Wichita 67202, (316) 262-4955.

Unified School District No. 457
Finney County, Kansas (Garden City)
by Betty S: Alefs, Clerk
1205 Fleming Street
Garden City, KS 67846
(316) 276-5100

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for items hereinafter listed will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. CST, on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information:

Tuesday, January 10, 1995

30827

Shawnee County Agencies—Fire extinguisher service for Shawnee County agencies

30875

University of Kansas Medical Center-Floor tile

30878

Statewide—Ammunition new and reload

00566

Department of Wildlife and Parks—Electrofishing boat

00567

Department of Wildlife and Parks—Fish hauling boxes, Pratt and Milford fish hatcheries

00572

University of Kansas Medical Center—UV/VIS scanning spectrophometer

00573

Department of Transportation—Mower parts, Garden City

00575

University of Kansas-Liquid scintillation analyzer

Wednesday, January 11, 1995

30796

University of Kansas Medical Center—Surgical laser fibers

00580

Kansas State University—Centrifugal chiller

Department of Wildlife and Parks—Furnish all labor and materials to, install PVC pipe, Tuttle Creek State Park

00585

Department of Administration, Division of Printing—Watermark cotton bond

Thursday, January 12, 1995

A-7330

Kansas State Historical Society—Rehabilitation of Constitution Hall, Lecompton

00589

Kansas Lottery—Ticket dispensers

00590

University of Kansas Medical Center—Chiller conversions

00591

Kansas State University—HVAC condensing unit and coil

00592

University of Kansas-Plumbing materials

Friday, January 13, 1995

00593

Adjutant General's Department—Furnish all labor and materials to install overhead crane

00594

Department of Transportation—Fence materials, Dodge City

00597

Kansas State University-Salina—Tables and chairs

Tuesday, January 17, 1995

A-7550

University of Kansas—Tuckpoint masonry repair Watson Library

A-7552

University of Kansas—Reroof various buildings Strong Hall (partial)

Wednesday, January 18, 1995

30876

University of Kansas, Law Enforcement Training Center, Hutchinson—Security guard services

Thursday, January 19, 1995

A-7524

Department of Transportation—A.D.A. modifications - various buildings District 1

Tuesday, January 24, 1995

30856

Department of Corrections—Automated parole reporting services

Request for Proposals

Wednesday, January 18, 1995

30879

Installment payment plan for tuition and fees for the University of Kansas

Thursday, January 26, 1995

Systems and integration services (CANSYS) for the Department of Transportation

Jack Shipman Director of Purchases

Attorney General

Permanent Administrative Regulations

Article 3.—APPLICATIONS FOR PRIVATE DETECTIVE LICENSE

- **16-3-1.** Procedure. (a) An applicant for a private detective license or a private detective agency license shall be required to appear at a time and location designated by the attorney general for a written examination and oral interview.
- (b) An applicant who fails to pass the written examination may retake the examination two times at a scheduled examination date.
- (1) The first re-examination must occur within 30 days after notice of the results of the original exam is provided to the applicant.
- (2) A second re-examination must occur within 30 days after notice of the results of the first re-examination is provided to the applicant.
- (3) An applicant who does not successfully pass the examination after three attempts shall be denied a license to engage in detective business.
- (c) An applicant denied a license as a private detective or detective agency for failure to pass the written examination within three attempts shall not make application under the provisions of the Kansas Private Detective Licensing Act within 12 months following the denial of the license.
- (d) The certificates of approval submitted by an applicant for a private detective license or a private detective agency license shall be dated within four months of the date the application is received by the attorney general.
- (e) An applicant for a private detective license or a private detective agency license shall provide information concerning discharge from the United States military service in relation to the applicant and any officer, director, partner or associate of the applicant. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b04 and K.S.A. 75-7b20; effective May 1, 1982; amended Feb. 13, 1995.)
- **16-3-2.** Renewal. (a) An applicant for renewal of a private detective license or a private detective agency license shall provide verification of a surety bond, insurance or deposit as required by K.S.A. 75-7b11 and amendments thereto.
- (b) An applicant for renewal of a private detective license or a private detective agency license shall provide information as requested in the renewal application which pertains to acts and conduct prohibited by K.S.A. 75-7b08 and K.S.A. 75-7b13 and amendments thereto. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b07; effective May 1, 1982; amended Feb. 13, 1995.)
- **16-3-3.** Additional qualifications for private detectives. In addition to the qualfications established in K.S.A. 75-7b04 and amendments thereto, an applicant for a private detective license or a private detective agency license shall:

- (a) be a high school graduate or have earned a graduate equivalency degree;
- (b) not be incompetent, incapacitated or impaired by reason of mental condition, deficiency or disease; and
- (c) not evidence current addiction to, dependence on or abuse of alcohol or a controlled substance as defined in K.S.A. 65-4101 and amendments thereto. Such evidence may include, but is not limited to conviction of any crime involving the possession, use, consumption or self-administration of alcohol or any controlled substance as defined in K.S.A. 65-4101 and amendments thereto. (Authorized by K.S.A. 75-7b04 and K.S.A. 75-7b18; implementing K.S.A. 75-7b04; effective Feb. 13, 1995.)

Article 4.—HEARINGS

16-4-1. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b15; effective May 1, 1982, revoked Feb. 13, 1995.)

Article 5.—TRAINERS

- **16-5-2.** (Authorized by K.S.A. 75-7b18; implementing K.S.A. 1981 Supp. 75-7b21; effective May 1, 1982; revoked Feb. 13, 1995.)
- **16-5-3.** (Authorized by K.S.A. 75-7b18; implementing K.S.A. 1981 Supp. 75-7b21; effective May 1, 1982; revoked Feb. 13, 1995.)

Article 6.—FIREARM PERMITS

16-6-2. Demonstrates a need. To demonstrate a need to carry a firearm in order to protect the licensee's life or property or to protect the life or property of a client, an applicant for a firearm permit shall be required to submit a written statement which describes the type of private detective business in which the applicant engages or intends to engage and the specific reasons the applicant believes carrying a firearm is necessary for that type of detective business. (Authorized by K.S.A. 75-7b18; implementing K.S.A. 75-7b17; effective Feb. 13, 1995.)

Robert T. Stephen Attorney General

Doc. No. 015752

State of Kansas

Board of Technical Professions

Permanent Administrative Regulations

Article 6.—PROFESSIONAL PRACTICE

- **66-6-1.** Seal. (a) Each licensee shall purchase a seal of the design approved by the board and shall forward a facsimile of the seal to the office of the board as proof of compliance with K.S.A. 74-7023.
- (b) Failure of any licensee to comply with this requirement within 90 days from date of issuance of that person's license shall be cause for the suspension of that license, in accordance with K.A.R. 66-13-1.
- (c) Original drawings, documents, technical reports, legal descriptions, records and papers prepared by or under the direct supervision of the licensee in the licen-

see's professional capacity shall be stamped with the licensee's seal, unless the project is exempt from the requirements for licensure pursuant to K.S.A. 74-7031, K.S.A. 74-7032, K.S.A. 74-7033, or K.S.A. 74-7034.

After the licensee's seal has been applied to the original or record copy, the licensee shall place the licensee's handwritten signature and date across the seal.

(d) All licensees shall endeavor to take all practical measures to ensure that drawings and specifications are not utilized for projects not contemplated at the time of the completion of the drawings and specifications.

(e) The licensee shall endeavor to insure that the drawings and specifications as instruments of service remain the property of the licensee whether the project for

which they are made is executed or not.

(f) The owner may retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the owner's use

and occupancy of the project.

- (g) The licensee shall endeavor to insure that the drawings and specifications are not used by the owner on any other projects, for additions to the contemplated project, or for completion of this project if the licensee is not in default, except by agreement in writing and with appropriate compensation to the licensee. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7023; effective May 1, 1978; amended May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995.)
- **66-6-4.** Rules of professional conduct. (a) For the purposes of this regulation, "licensee" means any architect, landscape architect, land surveyor or professional engineer licensed by the board of technical professions.
- (b) If any licensee's judgment is overruled under circumstances in which the safety, health or welfare of the public is endangered, the licensee shall inform the employer or client of the possible consequences and the licensee shall notify the authority who issued the building permit or otherwise has jurisdiction.

(c) The licensee shall not advertise to perform or undertake to perform any assignment involving a specific technical profession unless licensed and qualified by education and experience in that technical profession, as

defined in K.S.A. 74-7003.

(d) Any licensee may accept an assignment requiring education or experience outside of the licensee's field of competence, but only to the extent that the services are restricted to those phases of the project in which the licensee is qualified. All other phases of that project shall be performed by licensed associates, licensed consultants, or employees who are otherwise qualified by virtue of their education or experience.

(e) Except as provided in K.S.A. 74-7023(b), a licensee shall not affix a personal signature, seal or both to any plan or document dealing with subject matter which is outside of the licensee's field of competence by virtue of education or experience. Additionally, a licensee shall not affix a personal signature, seal or both to any plan or document except after completion of a detailed review

and evaluation of the documents.

(f) Where the competence of any licensee to perform an assignment in a specific technical field is at issue, the board may require the licensee to pass an appropriate examination.

- (g) In all professional reports, statements and testimony, each licensee shall:
 - (1) be completely objective and truthful; and
 - (2) include all relevant and pertinent information.
- (h) When serving as an expert or technical witness before any court, commission or other tribunal, each licensee shall express only opinions founded on:

(1) an adequate knowledge of the facts at issue;

(2) a background of technical competence in the subject matter; and

(3) an actual, good-faith belief of the accuracy and

propriety of the licensee's testimony.

(i) If a licensee issues any statements, criticisms, or arguments on public policy matters which are inspired or paid for by an interested party or parties, those comments shall be prefaced by and include disclosure of:

(1) the identities of the party or parties on whose be-

half the licensee is speaking; and

(2) the existence of any pecuniary interest of the licensee.

- (j) Each licensee shall disclose all known or potential conflicts of interest to employers or clients by promptly informing them of any business association, interest, or any other circumstances which could influence that licensee's judgment or the quality of the licensee's services.
- (k) A licensee shall not accept compensation, financial or otherwise, from more than one party for services on the same project or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(l) A licensee shall not solicit or accept financial or other valuable consideration, directly or indirectly, from:

(1) material or equipment suppliers for specifying their products; or

(2) contractors, their agents, or other parties in connection with work for employers or clients for which the licensee is responsible.

(m) A licensee shall not solicit a contract from a governmental body on which a principal or officer of the licensee's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.

(n) A licensee shall not offer, directly or indirectly, to pay a commission or other consideration or to make a political contribution or other gift in order to secure work, except for payment made to an employment

agency for its services.

(o) In all contacts with prospective or existing clients or employers, each licensee shall accurately represent the licensee's qualifications and the scope of the licensee's responsibility in connection with work for which the licensee is claiming credit.

(p) A licensee shall not be associated with, or permit the use of the licensee's personal name or firm name in, a business venture being performed by any person or firm which the licensee knows, or has reason to believe is engaging in:

(1) business or professional practice of a fraudulent or

dishonest nature; or

(continued)

- (2) a violation of K.S.A. 74-7001 et seq. or the rules and regulations promulgated and adopted by the board.
- (q) Each licensee with knowledge of any alleged violation of K.S.A. 74-7001 et seq. or the rules and regulations promulgated and adopted by the board shall:
 - (1) report the alleged violation to the board; and
- (2) cooperate with the board in furnishing information or any assistance that may be required.
- (r) A licensee shall not assist any person in applying for registration when the licensee knows that person to be unqualified with respect to education, training, experience or character.
- (s) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause which in the state of Kansas would constitute a violation of Kansas law or of these regulations, shall be grounds for a charge of violation of these regulations. (Authorized by and implementing K.S.A. 74-7013; effective May 1, 1978; amended May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995.)
- **66-6-8.** Second renewal notice. (a) Any individual or corporation failing to pay the renewal fee by the expiration date, will be sent a second written renewal notice.
- (b) The second written renewal notice shall state the renewal fee that is owed and shall further advise that if that fee is not paid within 60 days of the expiration date, the individual's license or the corporation's authorization will be cancelled. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995.)
- **66-6-9.** Cancellation of license or certificate of authorization. (a) If any individual or corporation fails to pay the renewal fee within 60 days of the expiration date, the individual's license or the corporation's authorization shall be cancelled.
- (b) A new license may be obtained in the manner prescribed for new applicants, unless the original license is reinstated by the board for good cause shown and upon payment of the reinstatement fee. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995.)

Article 7.—APPLICATIONS

66-7-3. Denial of initial application for license. When evaluating an application for licensure, the board shall consider additional factors concerning the applicant, including but not limited to:

(a) whether the applicant has committed any fraud or misrepresentation in the information contained in or

supporting the application;

(b) whether the applicant has been convicted of a felony in the State of Kansas or any other jurisdiction;

- (c) whether the applicant has engaged in acts which would constitute a violation of any rules, regulations or statutes of the State of Kansas; and
- (d) whether the applicant has been disciplined or is presently under investigation, if a determination of

probable cause has been made, by the licensing agency or other regulatory or authoritative entity of any other jurisdiction. (Authorized by K.S.A. 74-7004, K.S.A. 74-7018, K.S.A. 74-7019, K.S.A. 74-7020, K.S.A. 74-7021, K.S.A. 74-7022, and K.S.A. 74-7023; implementing K.S.A. 74-7007 and K.S.A. 74-7013; effective Feb. 13, 1995.)

Article 8.—EXAMINATIONS

- **66-8-4.** Land surveyor examinations. (a) The examinations required of an applicant for land surveying licensure shall be:
- (1) the national council of examiners for engineering and surveying (NCEES) examinations covering:

(A) the fundamentals of land surveying; and

- (B) the principles and practices of land surveying; and
- (2) an examination covering Kansas land surveying laws and practices.
- (b) The examinations shall be graded by the NCEES, subject to approval by the board.
- (c) Each applicant who has passed a section or sections of previous registration examinations shall be granted transfer credits in accordance with the rules approved by the board. These rules shall be available from the board upon request.
- (d) Each applicant for a professional license for land surveying shall be required to take and pass all sections of the land surveying examinations and meet the land surveying experience requirements under K.S.A. 74-7022. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7017; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995.)

Article 10.—EXPERIENCE

- **66-10-1.** Architectural experience of a character satisfactory to the board. Each applicant shall complete the intern development program (IDP) as defined in the "IDP Guidelines: Intern Development Program, 1993-1994," as published in July, 1993. Each applicant shall provide a completed and bound record of architectural experience in the form transmitted by the national council of architectural registration boards (NCARB). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7019; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995.)
- **66-10-3.** Architectural experience required of a reciprocity applicant. (a) Each architectural reciprocity applicant shall provide proof of certification by the national council of architectural registration boards (NCARB), for approval by the board.
- (b) If the applicant received the license upon which the request for reciprocity is based prior to January 1, 1993, then the applicant may provide a record of architectural experience compiled and evaluated by the national council of architectural registration boards (NCARB) rather than providing proof of certification by NCARB.
- (c) Each architectural reciprocity applicant whose original license was granted after January 1, 1994, shall provide proof of completion of the intern development program (IDP), as compiled, evaluated, and transmitted

by the national council of architectural registration boards (NCARB). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7019; effective May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995.)

66-10-4. Landscape architectural experience of a character satisfactory to the board. (a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the practice of landscape architecture, and shall be verified as set forth in paragraph (b)(1)(B) of this regulation.

(b)(1) Landscape architectural work experience shall:

(A) fall within the definition of "the practice of landscape architecture" under K.S.A. 74-7003(g); and

(B) if performed after February 22, 1993, be supervised and verified by a licensed landscape architect, architect, or engineer.

(2) Beginning April 1, 1995, each applicant shall provide a record of landscape architectural experience which has been compiled and transmitted by the council of landscape architectural boards (CLARB).

(c) The following guidelines shall be used to assign

credit for work experience.

(1) A master's degree in landscape architecture may equal one year of credit toward the four-year experience requirement for a graduate of an accredited, four-year

curriculum in landscape architecture.

(2) Each applicant who is a graduate of an accredited, master's level curriculum in landscape architecture as the first professional degree shall be considered by the board to be equivalent to a graduate of a five-year curriculum and shall meet the experience requirements of that curriculum as specified in K.S.A. 74-7020(a)(2).

(3) Teaching landscape architecture in a college or university which offers an approved landscape architectural curriculum of four years or more may be con-

sidered landscape architectural experience.

(4) Credit may be given for 50% of the verified work experience obtained after a student has achieved "junior status" in a LAAB accredited landscape architectural curriculum. Credit for this work experience shall not exceed one year.

- (d) Each applicant shall supply at least three references from licensed landscape architects who are familiar with the applicant's landscape architectural experience. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7020; effective May 1, 1984; amended May 1, 1985; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 14, 1994; amended Feb. 13, 1995.)
- **66-10-5.** (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; revoked Feb. 13, 1995.)
- **66-10-9.** Engineering experience of a character which is satisfactory to the board. (a) The work experience required of each applicant shall expose the applicant to all phases of work integral to the discipline of engineering in which the applicant claims qualification to practice, and shall be verified as set forth in paragraph (b)(2) of this regulation.

(b) Engineering work experience shall:

(1) fall within the definition of "the practice of engineering" as defined by K.S.A. 74-7003(i); and

(2) be directly supervised and verified by a licensed, professional engineer for work performed after May 1, 1988, except that direct supervision of a licensed, professional engineer is not required of the employees of any person, firm or corporation not offering services in the technical professions to the public, although verification by the applicant's supervisor is still required.

(c) The following guidelines shall be used to assign

credit for work experience.

(1) The education and experience evaluations by previous boards or other state boards may be accepted for work experience prior to the fundamentals of engineering examination. The applicant shall demonstrate four years of acceptable experience.

(2) Credit may be given for 50% of the verified work experience obtained through a co-op engineering program approved by a school or university with an accredited engineering curriculum. Credit for this work ex-

perience shall not exceed one year.

(3) One year of credit toward the experience requirement may be given for a master's degree in engineering.

(4) Teaching engineering in a college or university which offers an approved engineering curriculum of four years or more may be considered engineering experience.

(5) Experience credit shall not be allowed for work performed prior to graduation, except for experience gained under the co-op provision of K.A.R. 66-10-9(b)(2).

- (d) Each applicant shall supply at least three references from licensed professional engineers who are familiar with the applicant's engineering experience. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984; amended April 9, 1990; amended May 4, 1992; amended Feb. 14, 1994; amended Feb. 13, 1995.)
- **66-10-10.** Surveying experience required of a graduate of an accredited engineering curriculum. Each graduate of an accredited engineering curriculum, as defined by K.A.R. 66-9-4, shall provide a verified record of six years of surveying experience as specified by K.S.A. 74-7022(a). At least four years of experience shall have been in progressive land surveying, as defined in K.A.R. 66-10-12(b)(1). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995.)
- **66-10-10a.** Surveying experience required of an applicant who is a graduate of an approved land surveying curriculum. (a) Each graduate of a four-year land surveying curriculum, as defined in K.A.R. 66-9-5(2), shall be required to provide a verified record of four years of surveying experience, as specified by K.S.A. 74-7022(a). The four years of experience shall have been in progressive land surveying, as defined in K.A.R. 66-10-12(b)(1).

(b) Each graduate of an approved land surveying curriculum of two years, as defined in K.A.R. 66-9-5(3), shall be required to provide a verified record of six years of surveying experience, as specified in K.S.A. 74-7022(a).

(continu

At least four years of experience shall have been in progressive land surveying as defined in K.A.R. 66-10-12(b)(1) and the remainder shall have been in either progressive land surveying or basic land surveying, as defined in K.A.R. 66-10-12(b)(2), (3), and (4). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective Feb. 22, 1993; amended Feb. 13, 1995.)

66-10-11. Surveying experience required of an applicant who is not a graduate of an accredited land surveying or engineering curriculum. Each applicant for land surveyor license under K.S.A. 74-7022 (a) who is not a graduate of an accredited engineering curriculum, as defined by K.A.R. 66-9-4, and who is not a graduate of a land surveyor curriculum as defined in K.A.R. 66-9-5(2) and (3), shall provide a verified record of eight years of land surveying experience. At least six years shall have been in progressive land surveying, as defined in 66-10-12(b)(1) and the remainder shall have been in either progressive or basic land surveying, as defined in K.A.R. 66-10-12(b)(2), (3), and (4). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995.)

66-10-12. Surveying experience of a character satisfactory to the board. (a) Land surveying experience shall:

(1) fall within the definition of "the practice of land surveying" as defined by K.S.A. 74-7003(k);

(2) be under the direct supervision of a licensed land surveyor for work performed after May 1, 1988; and

(3) be verified by the employer or former employer of the applicant and either a licensed land surveyor or professional engineer.

(b) The following guidelines shall be used to assign

credit for work experience.

- (1) Progressive land surveying experience shall include each of the following elements of professional land surveying:
 - (A) project management;

(B) research;

(C) measurements and locations;

(D) computations and analysis;

(E) legal principles and reconciliation;

(F) land planning and design;

(G) monumentation; and

- (H) documentation and land information systems.
- (2) Land surveying experience normally identified with engineering projects, including construction staking, curb and gutter projects, sanitary sewers, and design surveys for highways or bridges other than those that relate to right-of-way surveys, shall not be considered progressive land surveying experience. This experience, however, may be considered by the board as basic land surveying experience.

(3) Teaching experience in land surveying courses in an accredited engineering or land surveying curriculum may be considered as equal to one year of basic land

surveying experience.

(4) If the applicant can provide a record of surveying and related technical education courses, including mathematics and drafting, the applicant may be given credit for 0.5 years of experience in basic land surveying for

every 15 semester hours in such educational courses. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7022; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; amended Feb. 13, 1995.)

Article 11.—INTERN ENGINEER CERTIFICATION

66-11-3. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984; amended May 4, 1992; amended Feb. 22, 1993; revoked Feb. 13, 1995.)

Article 12.—MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING

66-12-1. Minimum standards for the practice of land surveying. (a) The board hereby adopts by reference as rules and regulations of the board:

(1) the "American land title association surveys" (ALTA), as adopted by the board of direction, American congress on surveying and mapping on November 11, 1992 and the American land title association on October 17, 1992; and

(2) the "Kansas minimum standards for boundary surveys," standard of practice number one; and "minimum standards for mortgagee title inspections" (MTI's), as adopted by the Kansas society of land surveyors on August 18, 1990, except the preface and scope sections of the Kansas minimum standards for boundary surveys, standard of practice number one are deleted.

(b) A suggested work order form for the completion of land surveying services may be obtained from the board. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7037; effective May 4, 1992; amended Feb. 14,

1994; amended Feb. 13, 1995.)

Betty L. Rose Executive Director

Doc. No. 015747

State of Kansas

Kansas Racing Commission

Permanent Administrative Regulations

Article 12.—KANSAS HORSE BREEDING DEVELOPMENT FUND

- 112-12-2. Kansas horse breeding development fund, stallion eligibility certificate. (a) Each person who intends to stand a stallion for service in Kansas shall file a written application for certification before July 1 of the first year in which the stallion is to stand if the stallion's foals will be registered as class A Kansas-bred horses.
- (b) The official registering agency may issue a certificate of eligibility if:

(1) the stallion is owned wholly or in part or leased by a Kansas resident as defined in these racing regulations; and

- (2) the stallion is registered as a Kansas-bred horse; or
- (3) the stallion is registered as a Kansas-domiciled
- (c) Each application shall be completed on a form approved by the commission that shall include:

- (1) the name of the stallion;
- (2) the name, address, zip code and tax identification number or social security number of each owner of the stallion;
- (3) the location where the stallion will stand for service during the calendar year for which the application is made; and
- (4) a statement that the stallion will stand for service solely within the state of Kansas and will not stand for service anywhere outside the state of Kansas during the calendar year in which the stallion's offspring are conceived.
- (d) Each application for an initial certificate of eligibility shall include:
- (1) evidence of the right of ownership, including bills of sale, contracts or other documents that demonstrate proof of ownership and reflect each agreement about breeding rights, repurchase agreements and any other concession;
- (2) an application for Kansas-bred or Kansas-domiciled registration pursuant to K.A.R. 112-12-6 or K.A.R. 112-12-7; and
- (3) the official breed certificate issued by the national breed association pursuant to K.A.R. 112-7-6.
- (e) Each stallion certified as required by the provisions of this regulation shall be available for inspection at all times by representatives of the official registering agency.
- (f) The owner or agent shall immediately notify the official registering agency if a stallion certified as required by the provisions of this regulation leaves the state of Kansas during the year for which the stallion is certified in the Kansas-bred program.
- (g) If a stallion certified by the official registering agency is sold or transferred, the transfer of ownership shall be executed on the back of the Kansas stallion eligibility certificate for the stallion, and the owner shall forward the endorsed certificate to the agency at which time the official registering agency shall revoke the eligibility certificate.
- (h) Any foal from a mare bred to a certified stallion before revocation of an eligibility certificate as outlined in subsection (a) may be registered as a Kansas-bred horse under the provisions of K.A.R. 112-12-5.
- (i) If the new owner desires to certify the stallion for eligibility in the Kansas-bred program, the new owner shall within 30, days of the date of the sale, submit an application for a stallion eligibility certificate accompanied by a copy of the proof of sale or other document and observe the requirements of these racing regulations. Certification under this subsection (i) shall be effective from the date of sale after complying with subsection (i).
- (j) Each Kansas stallion eligibility certificate shall be available for inspection by the official registering agency at the premises where the stallion stands. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8829, as amended by L. 1994, Ch. 228, Sec. 3, and L. 1994, Ch. 332, Sec. 3, and 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 19, 1990; amended March 1, 1993; amended Feb. 13, 1995.)

- 112-12-3. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; revoked Feb. 13, 1995.)
- 112-12-4. Kansas horse breeding development fund, mare eligibility certificate. (a) Each person who intends to breed a mare in Kansas shall file a written application for certification prior to foaling and foal the mare in Kansas if the mare's foals will be registered as class A or NR Kansas-bred horses.
- (b) The official registering agency may issue a certificate of eligibility if:
- (1) the mare was determined to be a Kansas-bred mare as required by K.A.R. 112-12-12;
 - (2) the mare is registered as a Kansas-bred horse;
 - (3) the mare is registered as a Kansas-domiciled horse;(4) at least every other year that a mare foals, the mare
- is bred to produce a foal which is sired by a registered Kansas-bred or Kansas-domiciled stallion; or
- (5) the mare owned by a nonresident is certified into the program prior to foaling and is foaled in Kansas to register the foal as a NR Kansas-bred.
- (c) Each application or renewal application shall be completed on a form approved by the commission and shall include the following information:
 - (1) the name of the mare; and
- (2) the name, address, zip code, and tax identification number or social security number of each owner of the mare.
- (d) Each application for an initial certification shall be accompanied by the following applicable documentation:
- (1) evidence of the right of ownership, including bills of sale, contracts or other documents that demonstrate proof of ownership and reflect each agreement about breeding rights, repurchase agreements and each other concession;
- (2) the application for Kansas-bred or Kansas-domiciled registration as provided in K.A.R. 112-12-6 or K.A.R. 112-12-7; and
- (3) the official breed registration certificate as defined by K.A.R. 112-7-6.
- (e) Each mare certified as required by this regulation shall be available for inspection at all times by representatives of the official registering agency.
- (f) If a mare certified with the official registering agency is sold or transferred, the transfer of ownership shall be executed on the back of the Kansas-mare eligibility certificate for the mare, and the owner shall forward the endorsed certificate to the agency at which time the official registering agency shall revoke the eligibility certificate.
- (g) Any foal conceived by a mare certified by the official registering agency before revocation of the eligibility certificate as outlined in subsection (f), may be registered as a Kansas-bred horse under the provisions of K.A.R. 112-12-5.
- (h) If the new owner desires to certify the mare for eligibility in the Kansas-bred program, the new owner (continued)

shall within 30 days of the date of the sale, submit an application for a mare eligibility certificate accompanied by proof of sale and observe the requirements of these racing regulations. Certification under this subsection (h) shall be effective from the date of sale after complying with subsection (h).

(i) A mare's offspring may be eligible for registration in the Kansas-bred program if the mare is in the state of Kansas at the time of foaling. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8829 as amended by L. 1994, Ch. 228, Sec. 3, and L. 1994, Ch. 332, Sec. 3, and 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 19, 1990; amended March 1, 1993; amended Feb. 13, 1995.)

112-12-5. Classes of Kansas-bred horses. There shall be two classifications of Kansas-bred horses as follows.

(a) Class A foals shall be foals that:

(1) are conceived and dropped in the state of Kansas;

(2) have a sire or dam which are properly certified as eligible under K.A.R. 112-12-2 and K.A.R. 112-12-4;

(3) have a sire or dam registered as Kansas-bred or Kansas-domiciled with the official registering agency at

the time of conception; and

(4) if sired by a non-accredited Kansas-bred or Kansas-domiciled sire, have a dam who is certified into the Kansas-bred registry prior to foaling to be eligible to be registered as a class A. In no event can a broodmare produce two accredited Kanas-bred foals in succession by non-accredited stallions.

(b) Class NR foals shall be foals that:

(1) are dropped in the state of Kansas;

(2) have a dam which is properly certified as eligible under K.A.R. 112-12-4; and

- (3) if sired by a non-accredited Kansas-domiciled sire, provide proof that the dam of said foal has been bred back to a certified Kansas-bred stallion. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; amended Feb. 13, 1995.
- 112-12-6. Kansas horse breeding development fund, registration of Kansas-bred horses. (a) Each owner or agent who intends to register a foal as a Kansas-bred foal shall file a verified application for registration with the official registering agency by December 31 of the year of foaling to avoid monetary penalty to be set by the commission.

(b) Each applicant shall completely answer all inquiries on the application form approved by the commission, including:

(1) the name of the dam and her Kansas registration status:

- (2) the name of the sire and his Kansas registration status:
 - (3) the date and location where the foal was dropped;(4) the color, sex and markings of the foal; and
- (5) the name, address, zip code and tax identification number or social security number of each owner of the foal.

- (c) Each official breed registration certificate as defined in K.A.R. 112-7-6 shall be delivered to the official registering agency before the foal will be registered as a Class A or NR foal.
- (d) If the foal meets all of the requirements for registration, the official registering agency shall affix its official seal, including the registration number for the foal, on the face of the official breed registration certificate as defined in K.A.R. 112-7-6 and return the certificate to the owner by certified mail within 30 days of the date of official registration.

(e) If the official breed registration certificate is transferred or reissued, each duplicate official breed registration certificate for the foal shall be submitted to the official registering agency for processing before the foal is valid for the Kansas-bred program.

(f) Each foal registered as required by this regulation shall be available at any time for inspection by repre-

sentatives of the official registering agency.

(g) Within 24 hours of the death of a Kansas-bred horse, the owner shall notify the official registering agency of the death of the horse. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; amended Feb. 13, 1995.)

112-12-7. Registration of Kansas-domiciled horses. (a) Any owner or lessee of a horse that does not qualify as Kansas-bred as outlined by these regulations may obtain a Kansas-domiciled registration if the official registering agency determines under guidelines approved by the Kansas racing commission, that the horse may enhance the quality of Kansas-bred racing stock.

(b) Each Kansas-domiciled horse shall have been domiciled within Kansas before application for registration and shall remain within Kansas during the period of time the horse is registered as a Kansas-domiciled

(c) Each owner or agent who intends to register a Kansas-domiciled horse shall:

(1) provide verified answers to inquiries on an ap-

plication approved by the commission; and

(2) except as stated in this regulation, comply with these racing regulations. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8830; effective: T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; amended Feb. 13, 1995.)

112-12-8. Kansas-registered stallion awards. (a) Any owner of a certified Kansas-bred or Kansas-domiciled stallion may be eligible to participate in the Kansas-registered stallion awards if:

(1) Any foal of the Kansas-registered stallion is registered as a Kansas-bred horse with the official regis-

tering agency; and

(2) the foal of the Kansas-registered stallion wins, places or shows in a race in Kansas that has been designated for the award.

(b) Each Kansas-registered stallion award shall be paid as follows.

- (1) For registered foals conceived before December 31, 1992, the award shall be paid to the stallion's owner of record at the time the foal was conceived.
- (2) For registered foals conceived after December 31, 1992, the award shall be paid to the stallion's owner of record at the time the foal was conceived only if the Kansas-registered stallion was certified as eligible in accordance with K.A.R. 112-12-2 before the foal was conceived.
- (c) The official registering agency shall solicit information from the various breed, owners to aid it in recommending races, qualifications for races, amounts and types of awards to the commission.
- (d) Races, qualifications for races, amounts and types of awards shall be designated by the commission. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8829, as amended by L. 1994, Ch. 228, Sec. 3, and L. 1994, Ch. 332, Sec. 3, and 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; amended Feb. 13, 1995.)
- 112-12-9. Kansas-registered mare awards. (a) Any owner of a certified Kansas-bred or Kansas-domiciled mare may be eligible to participate in the Kansas-registered mare awards if:
- (1) any foal of the Kansas-registered mare is registered as a class A or a class NR Kansas-bred horse with the official registering agency; and
- (2) the foal of the Kansas-registered mare wins, places or shows in a race in Kansas that has been designated for the award.
- (b) Kansas-registered mare awards shall be paid as follows.
- (1) For registered foals conceived or foaled before December 31, 1992, the award shall be paid to the mare's owner of record at the time of foaling only if the Kansasregistered mare was certified as eligible in accordance with K.A.R. 112-12-4 before the foal was conceived.
- (2) For foals conceived or foaled after December 31, 1992, the award shall be paid to the mare's owner of record at the time of foaling only if the Kansas-registered mare was certified as eligible in accordance with K.A.R. 112-12-4.
- (c) The official registering agency shall solicit information from the various breed owners to aid it in recommending races, qualifications for races, amounts and types of awards to the commission.
- (d) Races, qualifications for races, amounts and types of awards shall be designated by the commission. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8829, as amended by L. 1994, Ch. 228, Sec. 3, and L. 1994, Ch. 332, Sec. 3 and 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 1, 1993; amended Feb. 13, 1995.)
- 112-12-12. Registration of horses dropped before January 1, 1990. (a) Any horse dropped before January 1, 1990 may be registered as a Kansas-bred horse if the horse:

- (1) was domiciled in Kansas before January 1, 1990;
 - (2) is registered with a national breed association.
- (b) Each application shall be completed on a form approved by the commission that shall include the following information:
 - (1) the name of the horse;
 - (2) the date the horse was dropped;
 - (3) the color, sex and marking of the horse; and
- (4) the name, address, zip code and tax identification number or social security number of each owner of the horse
- (c) Each application for registration shall be accompanied by the following documentation:
- (1) evidence of the rights of ownership, including bills of sale, contracts or other documents that demonstrate proof of ownership and reflect all agreements about breeding rights, repurchase and all other concession; and
- (2) the official breed registration certificate issued by the national breed association.
- (d) Each horse registered under the requirements of this regulation shall be available at any time for inspection by representatives of the official registering agency. (Authorized by K.S.A. 1993 Supp. 74-8804 as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended March 25, 1991; amended Feb. 13, 1995.)
- 112-12-13. Administration of the Kansas horse breeding development fund by the official registering agency. (a) The official registering agency shall deny the application for registration of a Kansas-bred or Kansas-domiciled horse or certificate of eligibility of a stallion or a mare if:
- (1) Information has been omitted, altered or falsified within the application; or
- (2) documentation required by these regulations is not provided or is altered or falsified.
- (b) The official registering agency shall immediately revoke the eligibility certificate of any stallion if:
- (1) The stallion stands for service outside the state of Kansas during the calendar year when the stallion is certified to stand for service in the state of Kansas; or
 - (2) the stallion is sold to another owner.
- (c) The official registration agency shall immediately revoke the eligibility certificate of any mare that is sold to another owner.
- (d) The official registering agency shall deny or revoke the registration of any foal if the owner of the foal's sire or dam fails to comply with any of the provisions of K.A.R. 112-12-2 or 112-12-4. (Authorized by K.S.A. 1993 Supp. 74-8804, as amended by L. 1994, Ch. 146, Sec. 3; implementing K.S.A. 74-8829, as amended by L. 1994, Ch. 228, Sec. 3, and L. 1994, Ch. 332, Sec. 3, and 74-8830; effective, T-112-2-23-89, Feb. 23, 1989; effective, T-112-6-22-89, June 22, 1989; effective Sept. 4, 1989; amended Feb. 13, 1995.)

Art Neuhedel Interim Exeuctive Director

Office of Judicial Administration Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals Court of Appeals Courtroom, Second Floor Kansas Judicial Center Topeka, Kansas

Tuesday, January 10, 1995

Before Briscoe, C.J., Elliott, J., and Stephen D. Hill, District Judge, assigned.

9:30 a.m.

		9:30 a.m.	
Case No.	Case Name	Attorneys	County
71,444	Timothy Bolz, Appellant,	Judy A. Pope	Shawnee
	Practice Mgmt. Assoc., Appellee.	Lawrence P. Ireland	
71,280	In the Matter of the Liquidation of National Colonial Ins. Co.	Steve R. Fabert Frank A. Caro Jr. Steven L. Imber Lewis E. Melahn	Shawnee
	보통하셨습니다 이 경우는 사람이	0:45 a.m.	
71,621	Laura Vetter, Appellant,	Robert L. Pottroff	Riley
	v. Chad Morgan, et al., Appellees.	J. Roger Hendrix James C. Wright	
		l:30 p,m.	
71,451	Douglas Garber, Appellee,	Martin W. Mishler	Nemaha
	David Shaw, Appellant.	Phillip A. Burdick	
71,329	Progressive Cas. Ins. Co., Appellee,	Daniel N. Allmayer	Douglas
	Michael Armstrong, et al., and Allstate	Eugene C. Riling Michael Armstrong	
	Ins. Co., Appellant.	Richard T. Merker	
		2:30 p.m.	
71,602	Clarence Slankard, Appellee,	Mel L. Gregory	Douglas
	Greyhound Lines, and Ins. Co. of North America, Appellants.	Jeffrey R. Brewer	
	Wednesday	y, January 11, 1995	
		9:30 a.m.	
71,831	In the Matter of A.B.L.	Jeffrey C. Barton District Attorney	Shawnee
71,205	State of Kansas, Appellee,	District Attorney	Shawnee
	v. Jeremy L. Rhodes, Appellant.	Attorney General Jessica R. Kunen	
70,331	State of Kansas, Appellee,	County Attorney	Jackson
	\mathbf{v} .	Attorney General	Jackson
	Michael R. Franks, Appellant.	B. Hay Huff	
		1:00 a.m.	
70,636	State of Kansas, Appellee,	County Attorney Attorney General	Saline
	Artis Swafford, Appellant.	Jean Gilles Phillips	

Court D	ocket Kansa	s Register	2001
71,605 71,880	In the Matter of the Paternity and Adoption of Baby Boy L.	Jacqueline A. Cook Kristin Hutchison Michael C. Helbert Joseph H. Vader	Lyon
	Summary Calend	ar—No Oral Argument	
70,546	State of Kansas, Appellee, v. Jean Leeann Starr, Appellant.	County Attorney Attorney General Steven Zinn	Montgomery
70,852	In the Matter of the Marriage of Belinda L. Shannon and Earl Lynn Shannon.	Mitchell B. Christians John L. Frobish	Thomas
72,075	In the Interest of A.N.A. and C.M.A.	Gunnar Sundby Philip Gordon County Attorney	Jefferson
70,496	State of Kansas, Appellee, v. N.F. Lowrey Jr., Apellant.	District Attorney Attorney General Jessica R. Kunen	Douglas
70,924	State of Kansas, Appellee, v.	County Attorney Attorney General Edward Collister Jr.	Leavenworth
72,491	Timothy Defrees, Jr., Appellant. State of Kansas, Appellant, v.	County Attorney Attorney General	Franklin
		, January 10, 1995 P.J., Gernon and Lewis, J.J.	
71,152	Before Pierron, I State of Kansas, Appellee, v.	County Attorney Attorney General	McPherson
	Richard D. Schulte, Appellant.	Stephen Moss	en e
71,153	State of Kansas, Appellee, v. Fred A. Martinez, Appellent.	County Attorney Attorney General Jessica R. Kunen	McPherson
		2:30 p.m.	
71,426	Melvin Nottleman, Appellant, v.	Rebecca Woodman Attorney General County Attorney	Kearny
71,835	State of Kansas, Appellee. Federal Land Bank,	County Attended	Kearny
	V. Martin Vann, Appellant, and Laverne Reich, Appellee, et al.	R.H. Calihan Jr. Robert J. Frederick	
71,601	Michael J. Smith, Appellee,	Brian D. Pistotnik	Sedgwick
	City of Wichita, Appellee, and Workers Comp. Fund, Appellant.	Kendall R. Cunningham Scott J. Mann	
		4:00 p.m.	
71,913	In the Interest of J.K.L. and D.L.	Robert E. Diehl County Attorney Charlene Brubaker Richard D. Coffelt Willis Musick	Ellis

2002	Kans	sas Register	Court Docket
		ay, January 11, 1995	
		9:00 a.m.	
71,670	Beverly G. Stan Appellant,	Richard J. Rome	Reno
	Herbert L. Stange, Appellee.	Dan W. Forker Jr.	
70,769	State of Kansas, Appellee, v.	County Attorney Attorney General	Reno
	Thomas C. Mendoza, Appellant.	Richard J. Rome	
		10:15 a.m.	
71,294	Vernon Wondra v.		Barton
	Western Testing Co., et al., Appellants, and USF&G, Appellee.	Jerry M. Ward Richard Friedeman	
		11:00 a.m.	
71,207	State of Kansas, Appellee,	County Attorney	Reno
	Stanley Gartleman, Appellant.	Attorney General Rick Kittel	
71,446	Danny E. Conway, Appellant,	Julie Gorenc	Reno
	v. Joan Finney, et al., Appellees.	Attorney General County Attorney	
		1:15 p.m.	
71,320	Vicky Cline, et al., Appellees,	Paul R. Sheperd	Ness
	Ness County Attorney, Appellant.	County Attorney	
70,410	Zenda Grain & Supply Co., Appellee,	Calvin McMillan	Kingman
	Farmland Ind., Inc., and Double Circle Farm Supply Co., Appellant.	Theodore C. Geisert Lee M. Smithyman	
	Summary Calen	dar—No Oral Argument	
71,526	Russell L. Geis, Appellant,	Jeffrey Shaw	McPherson
	v. State of Kansas, Appellee.	Attorney General County Attorney	
71,283	In the Interest of Y.C. and J.C. Jr.	Scott A. Wells	Reno
		County Attorney Trish Rose	
71,691	State of Kansas, Appellee,	County Attorney	McPherson
71,813	v. Russell L. Geis, Appellant.	Attorney General Jeffrey Shaw	Barber
71,568	State of Kansas, Appellee,		
	$\mathbf{v}_{m{i}}$, which is the $\mathbf{v}_{m{i}}$, with $\mathbf{v}_{m{i}}$, $\mathbf{v}_{m{i}}$, $\mathbf{v}_{m{i}}$, $\mathbf{v}_{m{i}}$	County Attorney Attorney General	Reno
F 4 0 F 0	Claudie L. Pritchard, Appellant.	Melanie Morgan	
71,050	State of Kansas, Appellee, v.	County Attorney Attorney General	Seward
	Lawrence Jones Jr., Appellant.	Edward Collister Jr.	

Kanas Court of Appeals District Courtroom, Greenwood County Courthouse Eureka, Kansas

Tuesday, January 10, 1995

Before Green, P.J., Larson, J. and Larry T. Solomon, District Judge, assigned.

Case No.	Case Name	10:30 a.m.	County
71,235	Tracy M. Smith, Appellant,	Charles A. O'Hara	Lyon
	v. State of Kansas, Appellee.	Attorney General County Attorney	
71 000		County Attorney	Lyon
71,220	State of Kansas, Appellee, v.	Attorney General	
	Jason M. Slattery, Appellent.	Steven L. Davis	
70602	State of Kansas, Appellee,	County Attorney Attorney General	Lyon
	John Jay Weilert, Appellant.	Jeffrey Shaw	
		1:00 p,m.	Daylian
70,915	State of Kansas, Appellee, v.	County Attorney Attorney General	Bulter
	Kevin C. Bidwell, Appellant.	Hazel Haupt	
72,096	State of Kansas, Appellant,	County Attorney	Coffey
	V. Jesus Garcia Salinas, Appellant.	Attorney General Brad L. Jones	
71,424	Richard Macias, Appellant,	Rachelle Smith	Sedgwick
	v. Elmo and Phyllis Santner, Appellees.	Jack N. Turner	
	and the second of the first of the second of	2:30 p.m.	
71,747	Gardis Ohlson, Appellant,	Pamela G. Phalen	Bourbon
	V. Ft. Scott Comm. College Bd. Trustees, Appellee.	Leigh C. Hudson	
70,971	Dr. Mark Beck, Appellant,	Carolyn Sue Edwards	Sedgwick
	Jill Bleam, Appellee.	Donald Peterson II	
	Summary Caler	ndar—No Oral Argument	
71,354	William F. Schlicher, Appellant,	David A. Ricke	Butler
	David McKune, et al., Appellees.	Julie Riddle	
71,714	In the Interest of A.S.F.	Andrew B. Fletcher Debra S. Peterson	Sedgwick
70,655	State of Kansas, Appellee,	Debra S. Peterson	Sedgwick
	v. Victor C. Alternay, Appellant.	Attorney General Reid Nelson	
71,946	In the Interest of T.B.H.	Janet S. Helsel William R. Griffith	Sedgwick
		Aronda Strutt Kerns	
71,172	State of Kansas, Appellee,	Debra S. Peterson	Sedgwick
	v. Tommy G. Taylor, Appellant.	Attorney General J. Patrick Lawless Jr.	
	Tommy C. Injury Expression		(continued

2004	Kans	as Register	Court Docket
71,657	Richard Shaw, Appellant,	William A. Taylor III	WC Board
	v. City of Winfield, Appellee.	David W. Andreas	
71,722	In the Interest of D.D.T. and D.D.C.	Gerald J. Domitrovic Donald C. Astle Alma A. Heckler H. Stephen Mosley Aronda Strutt Kerns	Sedgwick
72,079	Arnold William Grimsley, Appellant, v. State of Kansas, Appellee.	J. Patrick Lawless Jr. Attorney General Debra S. Peterson	Sedgwick
70,953	In the Interest of R.D. and K.D.	Marsh D. Doctor H. Douglas Pfalzgraf County Attorney William C. Weber	Sumner
	Appellate U.S. Courth Kans Tuesday	Court of Appeals Courtroom, 6th Floor ouse, 500 State Avenue as City, Kansas , Januaury 10, 1995	
	Before Rulon, 1	P.J., Brazil and Royse, J.J. 10:00 a.m.	
Case No.	Case Name	Attorneys	County
71,770	Judith Swartz, Appellant,	William G. Cownie	Wyandotte
	James Swartz and Pamela Van Beek, Appellees.	Thomas R. Hill Brian H. Schmidt	
71,226 71,389	Ks. School Dist. #500, Appellee, v.	James R. Goheen Deryl W. Wynn	Wyandotte
	Audra Womak, et al., and Ks. Empl. Sec. Bd., Appellant.	James R. McEntire	
		1:00 a.m.	
71,357	In the Matter of K.D.O. (Gentle Shepherd Child Placement Serv. Inc., Appellant, v. Ignatius Ibeku, Appellee.)	Richard D. Ralls Edward L. Winthrop	Johnson
		:30 p.m.	
72,115	In the Matter of the Adoption of Baby Girl D	John P. Hastings Mark A. Corder	Johnson
72,072	A & L Underground, Inc., Appellee, v.	Richard N. Roe	Johnson
	Sprint Comm. Co., Appellant.	Julie E. Grimaldi	
71 247		:00 p.m.	
71,247	Bethany Medical Center, Appellee, v.	Kurt S. Brack	Wyandotte
74 040	Samir Niyazi, Appellant.	Max D. Goracke	
71,310	Wayne and J.T. Jones, Appellants, v.	Jeffrey L. Baxter	Atchison
, , , , , , , , , , , , , , , , , , , ,	Atchison Co. Comm., et al., Appellees.	Justice B. King	

Kansas Court of Appeals Division 3 Courtroom, Wyandotte County Courthouse Kansas City, Kansas

Wednesday, January 11, 1995

Before Rulon, P.J.; Brazil and Royse, J.J.

Case No.	Case Name	9:00 p.m. Attorneys	County
70,437	Betty and Jimmy Cannon, Appellants, v. Thomas Green, et al., Appellees.	Betty/Jimmy Cannon, pro se Robert E. Wonder Randall Murphy, pro se David R. Gilman	Johnson
70,867	Leona McKeithen, et al., Appellants, v. James Mims, et al., Appellees.	Denise L. Adams Rodney K. Murrow Steven A. Ediger	Wyandotte
71,839	In the Interest of J.C., et al.	Carl S. Black Shawn E. Degraff Janet S. Ensign District Attorney	Wyandotte
		10:45 a.m.	
72,308	In the Matter of J.E.M.	Randy R. McCalla District Attorney	Johnson
71,941	In the Interests of T.V. and J.V.	James P. Conard Bruce Hedrick District Attorney	Johnson
	Summary Caler	ndar—No Oral Argument	
70,557	Jimmie Garrett, Appellant, v. State of Kansas, Appellee.	Jessica R. Kunen Attorney General District Attorney	Johnson
71,690	Sherman Lamar Wright, Appellant, v. State of Kansas, Appellee.	Reid Nelson Attorney General District Attorney	Wyandotte
72,061	Ronald Schultz, Appellee,	Dennis L. Horner	WC Board
	A.H.R.S. Constr., et al., Appellants.	Rex W. Henoch	
71,711	State of Kansas, Appellee, v. Lloyd E. Fowler, Appellant.	District Attorney Attorney General B. Kay Huff	Wyandotte
71,830	State of Kansas, Appellee, v.	District Attorney Attorney General	Johnson
71.045	Oren Gamble, Appellant.	Oren Gamble, pro se	Johnson
71,065	State of Kansas, Appellee, v. Stephen E. Partner, Appellant.	District Attorney Attorney General Jessica R. Kunen	
	1997年,1997年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1987年,1	and the state of t	Carol G. Green

Carol G. Green Clerk of the Appellate Courts

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. This cumulative index supplements the index found in the 1993 Supplement to the Kansas Administrative Regulations.

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